IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Bail Appl..No. 358 of 2007()

C.P.133/06 OF JFCM.-I, HARIPAD
CRIME NO.253/05 OF HARIPAD POLICE STATION

: PETITIONER/2ND ACCUSED

PRASAD, S/O.SREEDHARAN,
PUTHENPURA VADAKKATHIL, WARD NO.2,
THAMALLAKKAL NORTH MURI, KUMARAPURAM PANCHAYATH,
ALAPPUZHA DISTRICT.

BY ADV. SRI.S.SANAL KUMAR

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 358 OF 2007

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DATED THIS THE 22nd DAY OF JANUARY, 2007

O R D E R

Petitioner who is the second accused in Crime No.253/05 of Haripad Police Station for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in joint possession along with the first accused 10 litres of illicit arrack on 15.5.2005, seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before the committal court, viz; J.F.C.M.-I, Haripad, in C.P.No.133/06, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction, There is no reason why the petitioner should not surrender before the committal court and seek regular bail. Accordingly, if the petitioner surrenders before the committal court and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed after considering the submission made on behalf of the petitioner that in appropriate cases, the Magistrate has power to grant bail in the light of the decision reported in **Sukumari v.State of Kerala (2001(1) KLT 22).**

V.RAMKUMAR, JUDGE

dsn